

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 03-30312-MAP

PAULA J. PAVELCSYK,
Plaintiff

vs.

WILLIAMSBURG BOARD OF HEALTH,
Defendant

DEFENDANT “WILLIAMSBURG BOARD OF HEALTH’S” MOTION TO DISMISS

NOW COMES the defendant "Williamsburg Board of Health" and respectfully moves this Court to dismiss the action pending against it.

As grounds therefore and in support thereof, the defendant states that the statute of limitation precludes the instant case from proceeding; the doctrine of *res judicata* and/or collateral estoppel applies so as to require a dismissal; and/or qualified immunity precludes the imposition of liability.

As further grounds and in further support, the defendant attaches hereto and incorporates by reference its Memorandum in Support of the instant motion.

WHEREFORE, the defendant "Williamsburg Board of Health" respectfully requests that the complaint as against it be dismissed.

Respectfully submitted,

THE DEFENDANT
WILLIAMSBURG BOARD OF HEALTH

By /s/ Nancy Frankel Pelletier
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CERTIFICATE OF SERVICE

I, Nancy Frankel Pelletier, Esq., hereby certify that on this 22nd day of July, 2004, I served a copy of the above upon the parties in the action by mailing, postage prepaid, to Paula J. Pavelcsyk, *Pro Se*, P.O. Box 4535, Haydenville, MA 01039.

Subscribed under the penalties of perjury.

/s/ Nancy Frankel Pelletier
Nancy Frankel Pelletier, Esq.